

AMENDED IN ASSEMBLY APRIL 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1365

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Sections 9795 and 10242.5 of the Government Code, relating to agency reports.

LEGISLATIVE COUNSEL’S DIGEST

AB 1365, as amended, John A. Pérez. State and local agency ~~reports; submission to reports~~: Legislative Counsel.

Existing law requires the Legislative Counsel to annually prepare, publish, and maintain an electronic list of all reports that state and local agencies are required or requested by law to prepare and file with the Governor or the Legislature. *Existing law requires this list to include, for each report, the date on which the report was completed and filed. Existing law requires the Legislative Counsel to update the list of agency reports by removing obsolete reports from the list. Existing law requires the Legislative Counsel to make the list available to the public and to send the list to each Member of the Legislature.* Existing law requires state and local agencies to file a printed copy of these reports with the Legislative Counsel.

This bill would require the Legislative Counsel to make the list of agency reports available to the public by posting it on an Internet Web site. This bill would authorize state and local agencies to file these reports with the Legislative Counsel electronically. If an electronic report is posted on an Internet Web site, the agency filing the report would be required to provide the Legislative Counsel with a hyperlink whereby the report could be accessed. The bill would require the

Legislative Counsel to include the hyperlink provided by the agency on the Internet Web site created to maintain an electronic list of agency reports.

The bill would require that the Legislative Counsel's list of agency reports include information regarding the date on which the report was filed with the Legislative Counsel and would no longer require information regarding the completion date of the report. The bill would remove the requirement that the Legislative Counsel delete obsolete reports from the list of agency reports. This bill would remove the requirement that the Legislative Counsel provide the list to each Member of the Legislature, and would instead require that the Legislative Counsel annually provide to each Member of the Legislature a hyperlink whereby the list of reports could be accessed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9795 of the Government Code is amended
2 to read:
3 9795. (a) (1) Any report required or requested by law to be
4 submitted by a state or local agency to the Members of either house
5 of the Legislature generally, shall instead be submitted as a printed
6 copy to the Secretary of the Senate, as an electronic copy to the
7 Chief Clerk of the Assembly, and as an electronic or printed copy
8 to the Legislative Counsel. Each report shall include a summary
9 of its contents, not to exceed one page in length. If the report is
10 submitted by a state agency, that agency shall also provide an
11 electronic copy of the summary directly to each member of the
12 appropriate house or houses of the Legislature. Notice of receipt
13 of the report shall also be recorded in the journal of the appropriate
14 house or houses of the Legislature by the secretary or clerk of that
15 house.
16 (2) In addition to and as part of the information made available
17 to the public in electronic form pursuant to Section 10248, the
18 Legislative Counsel shall make available a list of the reports
19 submitted by state and local agencies, as specified in paragraph
20 (1). If the Legislative Counsel receives a request from a member
21 of the public for a report contained in the list, the Legislative
22 Counsel is not required to provide a copy of the report and may

1 refer the requester to the state or local agency, as the case may be,
2 that authored the report, or to the California State Library as the
3 final repository of public information.

4 (b) No report shall be distributed to a Member of the Legislature
5 unless specifically requested by that ~~member~~ *Member*.

6 (c) Compliance with subdivision (a) shall be deemed to be full
7 compliance with subdivision (c) of Section 10242.5.

8 (d) A state agency report and summary subject to this section
9 shall include an Internet Web site where the report can be
10 downloaded and telephone number to call to order a hard copy of
11 the report. A report submitted by a state agency subject to this
12 section shall also be posted at the agency's Internet Web site.

13 (e) For purposes of this section, "report" includes any study or
14 audit.

15 SEC. 2. Section 10242.5 of the Government Code is amended
16 to read:

17 10242.5. (a) The Legislative Counsel shall annually prepare,
18 publish, and maintain an electronic list of all reports that state and
19 local agencies are required or requested by law to prepare and file
20 with the Governor or the Legislature, or both, in the future or within
21 the preceding year. The list shall include all of the following
22 information:

23 (1) The name of the agency that is required or requested to
24 prepare and file the report.

25 (2) A brief description of the subject of the report.

26 (3) The date on which the report is to be completed and filed.

27 (4) The date on which the report was ~~completed and filed with~~
28 *the Legislative Counsel*.

29 (b) ~~Each list by the~~ *The Legislative Counsel prepared pursuant*
30 ~~to subdivision (a) shall be sent to each Member of the Legislature~~
31 ~~and shall be make the list of reports available to the public on an~~
32 ~~Internet Web site and shall annually provide to each Member of~~
33 ~~the Legislature a hyperlink to the Internet Web site whereby the~~
34 ~~list can be accessed. The Legislative Counsel may charge a~~
35 ~~member of the public a fee that does not exceed the direct cost of~~
36 ~~printing the list.~~

37 (c) (1) Each state and local agency that is required or requested
38 by law to prepare a report described in subdivision (a) shall file a
39 printed or electronic copy of the report with the Legislative
40 Counsel. *If an electronic copy of a report is filed, and the report*

1 *is posted on an Internet Web site, the agency filing the electronic*
2 *copy shall provide to the Legislative Counsel a hyperlink whereby*
3 *the report may be accessed.*

4 (2) *The Legislative Counsel shall include, on the Internet Web*
5 *site it maintains for purposes of this section, any hyperlinks*
6 *provided by state and local agencies pursuant to paragraph (1).*

7 (d) As used in this section:

8 (1) “Agency” includes any city, county, special district,
9 department, board, bureau, or commission, including any task
10 force or other similar body that is created by statute or resolution.
11 “Agency” does not include the University of California.

12 (2) “Report” includes any study or audit.

13 (e) ~~(1)~~—The Legislative Counsel shall update the list required
14 by subdivision (a) by removing ~~obsolete or~~ duplicate reports from
15 the list. The Legislative Counsel shall also remove reports from
16 the list as directed by Section 4 of Chapter 7 of the Statutes of
17 2010, or a subsequent statute that further requires the Legislative
18 Counsel to remove reports included in the list.

19 ~~(2) For purposes of this subdivision, “obsolete report” means a~~
20 ~~report that has not been completed and filed and for which the date~~
21 ~~that the report was required to be completed and filed was four or~~
22 ~~more years after the initial report is submitted.~~